

REMARKS/ARGUMENTS

The Office has identified the following species & is requiring election of one of the same:

- Species A: Claims 1-11, drawn to a warming device;
- Species B: Claims 12-16, drawn to a heat generating molded article;
- Species C: Claims 17-19, drawn to a first heat generating sheet; and
- Species D: Claims 20-23, drawn to a second heat generating sheet.

Applicants elect with traverse, Species A, claims 1-11, for examination.

Applicants make no statement regarding the patentable distinctness of each species, but note that for restriction to be proper, there must be a patentable difference between the species as claimed. MPEP § 808.01(a). The Office has not provided any reasons or examples to support a conclusion that each species are indeed patentably distinct. Accordingly, Applicants respectfully submit that the restriction is improper, and Applicants' election of species is for examination purposes only. Applicants respectfully request that the election requirement be withdrawn.

For the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for election. Applicants therefore request that the requirement for election be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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